

CITY COUNCIL
CITY OF WICHITA
KANSAS

City Council Meeting
9:00 A.M., April 20, 2004

City Council Chambers
455 North Main

ORDER OF BUSINESS

- Call to Order
 - Invocation
 - Pledge of Allegiance
 - Approve the minutes of the previous meeting
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AWARDS AND PRESENTATIONS

- Proclamations
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PUBLIC AGENDA

- 1. Chuck Mosqueda-Jabara KTTI Initiative.
 - 2. Phil Fitzmaurice-Request for zone change, ZON2004-06.
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UNFINISHED BUSINESS

- 3. Repair or Removal of Unsafe Structures, 4237 East Menlo. (District III)
(Continued from December 16, 2003)

RECOMMENDED ACTION: Adopt the resolutions declaring the building a dangerous and unsafe structure, and allow a final 60 days to complete the exterior repairs to the structure. Any extensions of time granted to repair the structure would be conditioned on the following: (1) All taxes have been paid to date, as of April 20, 2004; (2) the structure has been secured as of April 20, 2004 and will continue to be kept secured, and (3) the premises are mowed and free of debris of April 20, 2004 and will be so maintained during renovation.

NEW BUSINESS

4. Firefighters Grant Program.

The Defense Authorization Act for FYI 202 authorized the Federal Emergency Management Agency (FEMA) to make \$750 million in grants to fire departments. Applicants can apply for only one of the three programmatic areas, however within the selected programmatic area, applicants may apply for a number of activities.

RECOMMENDED ACTION: Approve the grant application and authorize the necessary signatures and direct the appropriation of \$190,510 from the General Fund reserves as grant match funding, subject to an award by the granting agency.

5. Police Property and Evidence Facility Relocation. (District I)

In June 1990, as a result of a severe storm, the west brick façade of the City Hall Parking Garage collapsed onto the roof of the Property and Evidence facility. Because of the damage, the Parking Garage was eventually demolished and Property and Evidence was moved from one temporary facility to another until moving into a City-owned facility at 720 West Second Street.

RECOMMENDED ACTION: Approve the project and use of the Cessna Facility, cancel the lease agreement with Cessna, authorize negotiation of a contract amendment with WDM in a not to exceed amount of \$27,500 for final design, bid documents and construction administration, adopt the Bonding Resolution and authorize the necessary signatures.

6. Request to Waive Title 20.08.120 Spacing Requirements for Placement of an Alternative Correctional Housing Facility at 3601 North St. Francis. (District VI)

Section 20.08.120 of the Alternative Correctional Housing (ACH) Ordinance does not permit any new alternative correctional housing facility to be licensed if it is within 1,200 feet of various incompatible uses, including public or private preschools; elementary, middle and high schools; day centers; public parks or playgrounds; private businesses that primarily serve children or youth under age 18; residences or agencies that provide on-site services to persons with developmental, physical or mental disabilities; taverns or drinking establishments; adult entertainment establishments; and residential zoning districts.

RECOMMENDED ACTION: Follow the Alternative Correctional Housing Advisory Board's recommendation to grant the Appeal/variance request from DCCCA, Inc. to waive the minimum 1,200' Alternative Correctional Housing Ordinance minimum distance separation requirements for the proposed Alternative Correctional Housing facility to be located at 3501 North St. Francis.

7. Neighborhood Revitalization Plan-Ordinance and Inter-Local Agreement.

On November 18, 2003, the City Council approved the boundaries for the Neighborhood Revitalization Areas and Local Investment Areas and authorized staff to prepare the plan. On April 6, 2004, the City Council approved the Neighborhood Revitalization Plan as a part of the 2004/2008 HUD Consolidated Plan.

RECOMMENDED ACTION: Approve: (1) Neighborhood Revitalization Plan as revised; (2) adopt the Ordinance on the first reading; (3) the Inter-local Agreement; (4) authorize the appropriate signatures for the Inter-local Agreement.

8. Wichita Employee's Retirement and Police & Fire Retirement Systems Actuarial Valuation Reports, January 1, 2003-December 31, 2003, Presentation by the Retirement Systems' Actuary.

The Board of Trustees for both the Wichita Employees' Retirement (WER) System and the Police & Fire (P&R) Retirement System employ Milliman USA to serve as technical advisor/consultant and to supply the Boards with information relative to actuarial phases of the operations of the Retirement Systems.

RECOMMENDED ACTION: Receive and file the Wichita Employees' Retirement and Police & Fire Systems Actuarial Valuation Reports (January 1, 2003-December 31, 2003) as submitted, and approve the 2005 Employer retirement fund contribution rates.

9. Health and Benefit Consultant Contract.

The City Council directed staff to receive competitive bids for the City of Wichita's 2005 health insurance plan. The Health Insurance Advisory Board approved using an independent Health and Benefits Consultant to assist in the selection process of a health insurance plan.

RECOMMENDED ACTION: (1) Approve the contract and authorize the appropriate Signatures or (2) approve the contract, authorize the appropriate signatures and appoint two City Council Members to serve on the Health Advisory Committee during the selection of 2005 health insurance plan.

CITY COUNCIL AGENDA

10. Board Appointments.

RECOMMENDED ACTION: Make the appointments.

11. Approval of Travel Expenses for Vice Mayor Brewer to Attend National League of Cities CED Spring Steering Committee Meeting in Gaithersburg, MD, May 13-15, 2004.

RECOMMENDED ACTION: Approve the expenditures.

12. Approval of Travel Expenses for Council Member Martz to Attend National League of Cities HD Spring Steering Committee Meeting in Providence, RI, June 3-5, 2004

RECOMMENDED ACTION: Approve the expenditures.

CONSENT AGENDA

13. Report of the Board of Bids and Contracts Dated April 19, 2004.

RECOMMENDED ACTION: Receive and file report; approve Contracts;
authorize necessary signatures.

14. Application for License for Adult Entertainment Establishments/Services:

Renewal - Adult Entertainment

Gail R. Crump	GS Entertainment Dba Adult Super store	5858 South Broadway
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RECOMMENDED ACTION: Approve license subject to Staff review and approval.

Special Event May 8, 2004

John Thien	Wichita River Festival	West Bank Stage
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15. Applications for Licenses to Retail Cereal Malt Beverages:

<u>Renewal</u>	<u>2004</u>	<u>(Consumption on Premises)</u>
Jose L. Mejia	El Jalisco Restaurant*	627 East 47th Street South
Kevin F. Raven	Taco Tico #4801*	2051 South Seneca
Kevin F. Raven	Taco Tico #4803*	460 North West Street
Kevin F. Raven	Taco Tico #4804*	3425 East Douglas
Kevin F. Raven	Taco Tico #4809*	1230 South Rock Road
Kevin F. Raven	Taco Tico #4812*	311 East Pawnee
Kevin F. Raven	Taco Tico #4813*	1303 North Tyler
Kevin F. Raven	Taco Tico #4814*	1118 West Douglas
Kevin F. Raven	Taco Tico #4842*	603 East 47th Street
Kevin F. Raven	Taco Tico #4845*	929 North Broadway
Kevin F. Raven	Taco Tico #4857*	3131 North Rock Road
Kevin F. Raven	Taco Tico #4861*	3257 East Harry

*General/Restaurant - 50% or more of gross receipts derived from sale of food.

RECOMMENDED ACTION: Approve licenses subject to Staff review and approval.

16. Preliminary Estimates:

- a) Water distribution system to serve Copper Gate Estates Addition - south of 13th Street North, west of 135th Street West. (448-89756/735181/470851) Does not affect existing traffic. (District V) - \$97,000
- b) Water distribution system to serve Remington Place Third Addition - south of 21st Street North, east of Webb. (448-89917/735183/470853) Does not affect existing traffic. (District II) – \$118,500
- c) Founders Circle (Wawona) from the south line of 21st Street North to the north line of Lot 3, Block 1 to serve The Collective Addition - south of 21st Street North, east of K-96. (472-83455/765834/622089 /490945/672122) Traffic on 21st Street North shall be maintained thru construction. (District II) - \$155,000
- d) Thurman from the west side of the plat to the west line of Suncrest Ave.; Suncrest Ave. from the east line of Thurman to the east side of the plat (between Lots 1, 2 & 3, Block A and Reserve "C"); Suncrest Ave. from the east line of Suncrest Ct. to the east line of the plat (between Reserve "C" and Lot 33, block D); 15th St. N. from the west line of Lot 6, Block B, east to Nantucket; Nantucket from the west line of Lot 16, Block D, east to Thurman; Suncrest Ct. south from Suncrest Ave. to and including the cul-de-sac; Sidewalk on Thurman and Suncrest Ave. to serve English Country Gardens Addition - north of 13th Street North, east of Tyler. (472-83935/765849/490960) Does not affect existing traffic. (District V) - \$468,000
- e) Lateral 6, Main 19 Southwest Interceptor Sewer to serve Ridgeport North 5th Addition - south of 37th Street North, east of Ridge. (468-83524/744044/480732) Does not affect existing traffic. (District V) - \$294,000
- f) Lateral 45, Main 24 War Industries Sewer to serve The Waterfront Addition - north of 13th Street North, east of Webb. (468-83773/744046/480734) Does not affect existing traffic. (District II) - \$15,000
- g) Water distribution System to serve The Waterfront Addition - north of 13th Street North, east of Webb. (448-89920/735180/470850) Does not affect existing traffic. (District II) - \$14,000
- h) Lateral 14, Main 19 Southwest Interceptor Sewer to serve Tyler's Landing Second Addition - south of 37th Street North, east of Tyler. (468-83726/744034/480722) Does not affect existing traffic. (District V) - \$585,000
- i) Lateral 101, Sanitary Sewer #23 to serve Harbor Isle Third Addition - south of 53rd Street North, east of Meridian. (468-83106/744037/480725) Does not affect existing traffic. (District VI) - \$540,000

RECOMMENDED ACTION: Approve and file.

17. Petitions for Public Improvements:

- a) Construct a storm water drain to serve Reed's Cove, Reed Commercial and Reed's Cove Second Addition, south of 21st, east of 127th Street East. (District II)
- b) Construct a storm water drain for Regency Lakes Commercial Second Addition, north of 21st Street, west of Greenwich. (District II)
- c) Pave streets in Chapel Hill Second Addition, north of 13th, east of Greenwich. (District II)

(item 17 continued)

- d) Sanitary sewer to serve Krug North Addition, north of 21st Street, west of 143rd Street East. (District II)

RECOMMENDED ACTION: Approve Petitions; adopt Resolutions.

18. Minutes of Advisory Boards/Commissions:

Alternative Correctional Housing Advisory Board, December 11, 2003
Deferred Compensation Board of Trustees, December 11, 2003
Wichita Employees' Retirement System, December 17, 2003
District VI Advisory Board, January 5, 2004
District VI Advisory Board, January 21, 2004
Wichita Employees' Retirement System, January 21, 2004
Police & Fire Retirement System, January 28, 2004
District V Advisory Board, February 2, 2004
District VI Advisory Board, February 2, 2004
Wichita Airport Advisory Board, February 2, 2004
Police & Fire Retirement System Meeting, February 5, 2004
Board of Park Commissioners, February 9, 2004
Police & Fire Retirement System Meeting, February 12, 2004
District VI Advisory Board, February 18, 2004
Police & Fire Retirement System Meeting, February 24, 2004
Police & Fire Retirement System Meeting, February 25, 2004
Wichita Employees' Retirement System Meeting, February 25, 2004
Police & Fire Retirement System Meeting, February 26, 2004
Board of Code Standards And Appeals, March 1, 2004
District VI Advisory Board, March 1, 2004
Wichita Airport Advisory Board, March 1, 2004
Wichita Public Library, March 16, 2004
District VI Advisory Board, March 17, 2004
Design Council Meeting, March 18, 2004

RECOMMENDED ACTION: Receive and file.

19. Consideration of Street Closures/Uses.

RECOMMENDED ACTION: Approve street closures/uses.

20. Change Orders:

- a) Sewage Treatment Main Pump Station.
- b) 21st Street Bike Path, Maize to Ridge. (District V)

RECOMMENDED ACTION: Approve the Change Order and authorize the necessary signatures.

21. Settlement of Litigation – K Mart Eminent Domain. (District II)

RECOMMENDED ACTION: Authorize outside counsel to settle the appeal.

22. Repair or Removal of Dangerous and Unsafe Structures.

	<u>Address</u>	<u>District</u>
a.	2524 East Mossman	I
b.	426 North Ash	I
c.	420 South Estelle	I
d.	303 South Zelta	II

RECOMMENDED ACTION: Adopt Resolution setting the Public Hearing on June 8 2004, at 9:30 a.m., or soon thereafter.

23. Acquisition of Property:

- a. Acquisition of a portion of 3100 North Maize for the 29th Street North, Maize to Tyler Improvement Project. (District V)
- b. Acquisition of a portion of 9926 West 29th Street North for the 29th Street North, Maize to Tyler Improvement Project. (District V)

RECOMMENDED ACTION: Approve the Budget; approve the Real Estate Purchase Contract; and authorize the necessary signatures.

24. Contracts & Agreements Blanket Purchase Orders Renewal Options - March 2004.

RECOMMENDED ACTION: Receive and file report.

25. Kansas Community Service Tax Credit Program Applications.

RECOMMENDED ACTION: Endorse the applications.

26. Hydraulic Improvement, between 57th Street South and 47th Street South. (District III)

RECOMMENDED ACTION: Approve the revised project budget, re-authorize the previous G.O. funding and place the amending Ordinance on First reading.

27. Central, Tyler to Woodchuck and Signalization at Socora. (District V)

RECOMMENDED ACTION: Authorize the transfer of funding, approve the revised project budget and place the amending Ordinance on First Reading.

28. Second Reading Ordinances: (First read April 13, 2004)

- a) Z-3179 and ZON2000-00027 - zone change from two-family residential to general office, limited commercial and multi-family Residential. (District II)
- b) A04-13 - near the northeast corner of the intersection of 29th Street North and 119th Street West. (District V)

RECOMMENDED ACTION: Adopt Ordinances.

PLANNING AGENDA

NOTICE: Public hearing on planning items is conducted by the MAPC under provisions of State law. Adopted policy is that additional hearing on zoning applications will not be conducted by the City Council unless a statement alleging (1) unfair hearing before the MAPC, or (2) alleging new facts or evidence has been filed with the City Clerk by 5p.m. on the Wednesday preceding this meeting. The Council will determine from the written statement whether to return the matter to the MAPC for rehearing.

* Consent Items

29. ZON 2004-06-Zone Change from Single-Family Residential to Limited Industrial with a Protective Overlay District to Limit Permitted Uses and Provide Screening/Buffering, Generally Located South of 37th Street North and West of Broadway. (District VI)

RECOMMENDED ACTION: 1. Concur with the findings of the MAPC and approve the zone change subject to the recommended provisions of Protective Overlay District #133; instruct the Planning Department to forward the Ordinance for first reading when the plat is forwarded to the City Council; or 2. Return the application to the MAPC for reconsideration.

30. *SUB 2002-30-Plat of La Del Manor Addition, Located North of Maple and on the West Side of 167th Street West. (County)

RECOMMENDED ACTION: Approve the Documents and plat; authorize the necessary signatures; adopt the Resolutions and approve first reading of the Ordinance.

31. *SUB 2003-93-Plat of Steve Kelley Fifth Addition Located on the South Side of 13th Street North, East of Hoover. (District VI)

RECOMMENDED ACTION: Approve the documents and plat, authorize the necessary signatures and adopt the Resolutions.

32. *SUB 2003-134-Plat of Clark Elementary Addition, Located South of Kellogg, East of Woodlawn. (District II)

RECOMMENDED ACTION: Approve the documents and plat and authorize the necessary signatures.

AIRPORT AGENDA

NOTICE: The City Council is meeting as the governing body of the Airport for consideration and action on items on this Agenda, pursuant to State law and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

33. Airport Agreements/Contracts:

- a) Supplemental Agreement No. 5 - Skycap Services.
- b) Telephone equipment maintenance.
- c) Roof replacements.

RECOMMENDED ACTION: Approve the Agreements/Contracts;
and authorize the necessary signatures.

34. Street Side Pavement, Wichita Mid-Continent Airport.

RECOMMENDED ACTION: Approve the project.

Adjournment
